

Filed: October 17, 1996

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 96-6228  
(CA-94-978-5-BR)

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Robert Lee Davis,

Petitioner - Appellant,

versus

Hubert Stone,

Respondent - Appellee.

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O R D E R

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The Court amends its opinion filed July 31, 1996, as follows:

On the cover sheet, section 3, line 2 -- "W. Earl Britt" is corrected to read "Malcolm J. Howard."

For the Court - By Direction

/s/ Patricia S. Connor

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Clerk

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 96-6228**

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ROBERT LEE DAVIS,

Petitioner - Appellant,

versus

HUBERT STONE,

Respondent - Appellee.

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Appeal from the United States District Court for the Eastern District of North Carolina, at Raleigh. Malcolm J. Howard, District Judge. (CA-94-978-5-BR)

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Submitted: July 23, 1996

Decided: July 31, 1996

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Before WIDENER, NIEMEYER, and MICHAEL, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Robert Lee Davis, Appellant Pro Se. Clarence Joe DelForge, III, OFFICE OF THE ATTORNEY GENERAL OF NORTH CAROLINA, Raleigh, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant seeks to appeal the district court's orders denying relief on his habeas corpus petition, 28 U.S.C. § 2254 (1988), as amended by Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1217, and denying his motion for reconsideration. We have reviewed the record and the district court's opinions and find no reversible error. Accordingly, we deny a certificate of probable cause to appeal; to the extent that a certificate of appealability is required we deny such a certificate. We dismiss the appeal on the reasoning of the district court. Davis v. Stone, No. CA-94-978-5-BR (E.D.N.C. Jan. 26, 1996). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED